



ITF

PATENT
ATTORNEY DOCKET NO.: 053847-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|------------------------|
| In re Application of: |) | |
| |) | |
| Tohru ISHIZUYA et al. |) | Confirmation No.: 2939 |
| |) | |
| Application No.: 10/676,733 |) | Group Art Unit: 2873 |
| |) | |
| Filed: October 2, 2003 |) | Examiner: E. Lester |
| |) | |
| For: OPTICAL ELEMENT, THIN FILM |) | |
| STRUCTURE, OPTICAL SWITCH, |) | |
| AND METHOD OF MANUFACTURING |) | |
| OPTICAL ELEMENT |) | |

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

05/19/2005 SZEWDIE1 00000068 10676733

01 FC:1251 120.00 DA
Sir:

RESTRICTION REQUIREMENT AND PETITION FOR

ONE MONTH EXTENSION OF TIME TRANSMITTAL FORM

1. Transmitted herewith is an Restriction Requirement in response to Office Action dated April 5, 2005.

2. Additional papers enclosed:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal (Correction) |
| <input type="checkbox"/> | Information Disclosure Statement |
| <input type="checkbox"/> | Form PTO-1449, _____ references included |
| <input type="checkbox"/> | Citations |
| <input type="checkbox"/> | Declaration of Biological Deposit |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below: ¹

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

Extension of time fee due with this request: **\$ 120.00**

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 56 | minus | 56 | 0 | x \$50 each= | + \$ 0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 14 | minus | 14 | 0 | x \$200 each= | + \$ -0- |
| [] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$ |
| SUB-TOTAL = | | | | | | \$ -0- |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$ 0.00 |

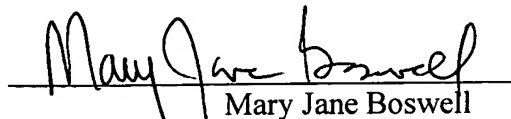
6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge \$ 120.00 for one-month extension of time fee to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPDated: May 18, 2005

By:


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